



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/583,178	10/10/2006	Rainer Hald	RUF-06-1175	8245
35811 7590 06/10/2010 IP GROUP OF DLA PIPER LLP (US) ONE LIBERTY PLACE 1650 MARKET ST, SUITE 4900 PHILADELPHIA, PA 19103				
EXAMINER				
SAHA, BIJAY S				
ART UNIT		PAPER NUMBER		
1793				
NOTIFICATION DATE		DELIVERY MODE		
06/10/2010		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

pto.phil@dlapiper.com

Office Action Summary

Application No.

10/583,178

Applicant(s)

HALD ET AL.

Examiner

BIJAY S. SAHA

Art Unit

1793

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 March 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-17, 19 and 20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10-17 and 19-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

The amendment filed on 03/18/2010 has been entered.

Status of Application

The new, amended and original claims 10-17 and 19-20 are pending and presented for the examination. The original claims 1-9 and 18 have been cancelled.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 10-17 and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi et al US 2001/0038938 (hereinafter US'938) in view of Hirai et al US 2003/0194608 (hereinafter US'608) and Nakatsugawa US 4,483,906 (US'906).

Regarding claims 10 and 20, US'938 teaches an electrochemical element (fig 8 and Fig 9 page, examiner considers voltaic element is equivalent to voltaic element), lithium secondary battery (para 0039 page 3), and a housing envelope (para 0027), a flexible envelope (para 0034), envelope formed by laminate film (para 0154), connected to positive and negative electrodes (Fig 1B and 2B), connected to safety electronics (Fig

5, part # 106, 105), conducted exteriorly (Fig 6 part # 106), electrode formed of copper (para 0113), set of positive and negative electrode collector (Fig 8, Fig 9 and Fig 10), external electrodes (#226 Fig 12 and 13), external electrode or out lead (#203 Fig 8) and collectors made of copper foil (para 0069).

Although US'938 teaches terminal made of "...foils of various metals ...such as copper..." (para 0085), US'938 does not explicitly teach coating the copper foils by nickel.

US'608 teaches copper member for battery (Title), terminal made of "...copper (Cu) including nickel plated copper..." (para 0033).

US'906 teaches the copper foil production process (col 5 line 33), electroplating of 0.2 micron nickel coating on copper foil (Col 5 line 46-54, Example 1), nickel layer formed one or both sides of said copper layer (Abstract).

At the time of invention it would have been obvious to a person of ordinary skill to make an electrode element (US'938's teaching) utilizing the nickel plated copper electrodes (US'608 teaching). The suggestion or motivation for doing so would have been to "[e]xcellent in corrosion resistance ..when using foil shaped ...or plate shaped member as such a terminal ..." (US'608) and a "[p]rocess ...suitable for commercial production" (US'906).

Regarding the nickel layer thickness range, examiner considers: In MPEP 2144.05 [R-5] Obviousness of Ranges, "In the case where the claimed ranges "overlap or lie inside ranges disclosed by the prior art" a prima facie case of obviousness exists".

Regarding claims 11 and 13, US'938 teaches protective component is inserted in the link between element and safety electronics (Examples B1 and B2, para 0183).

Regarding claims 12, US'938 teaches protective element PTC thermister (Para 0183).

Regarding claims 14, US'938 teaches a thermal fuse (para 0183).

Regarding claims 15, US'608 teaches nickel coating of copper electrode (para 0033 and claim 1).

Regarding claims 16, US'938 teaches nickel-coated copper diverters are 2 mm to 15 mm wide (Figures 2A, 2B, 4,5 and 6, component # 113, 14, 106). Examiner considers these dimensions based upon the dimensions of the 5 mm wide strip (para 0157) and thermister of 0.5 mm thick (para 0176).

Regarding claims 17, US'938 teaches nickel-coated copper diverters are 15 μm to 150 μm thick (para 0079).

Regarding claims 17, examiner considers: In MPEP 2144.05 [R-5] Obviousness of Ranges, "In the case where the claimed ranges "overlap or lie inside ranges disclosed by the prior art" a prima facie case of obviousness exists.

Regarding claims 19, US'938 teaches the housing comprises a compound aluminum film (para 0154).

Summary

The claims 10-17 and 19-20 are rejected.

Response to Arguments

Applicants' arguments filed 03/18/2010 have been fully considered but they are not persuasive.

Applicants argue "hypothetical combinations" of Takahashi (US'938), Hirai (US'608) and Nakatsugawa (US'906) and claim that Hirai "...would lead away..."

The primary reference Takahashi (US'938) teaches the terminal made of "...foils of various metals ...such as copper..." (para 0085), US'938 does not explicitly teach coating the copper foils by nickel. Hirai (US'608) also teaches "copper member for battery". Hirai (US'608) is more concerned about corrosion on electrodes "...While copper had been considered to be hardly exposed to the risk of being corroded, there was actually the risk of suffering from corrosion, as in aluminum, caused by hydrofluoric acid generated from the reaction between the electrolyte of the lithium-ion battery and water during service for a long period of time, leading to loss of sealing property resulting from peeling at the bonding surface with the packaging material...." (para 0034).

Nakatsugawa (US'906) teaches the application of nickel coating on copper that makes the surface also free of undercutting and strongly adhered to the substrate.

Applicants argue about the thickness of the nickel coating. Nakatsugawa (US'906) teaches a coating thickness of 0.2 micron which is within the claimed range of 10 nm to 3 microns.

Applicants argue, multiple times, about the "...copper foil coated with nickel on both surfaces ..." Nakatsugawa (US'906)"...a copper layer and a nickel layer formed on one or both sides of said copper layer...".

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BIJAY S. SAHA whose telephone number is (571) 270-5781. The examiner can normally be reached on Monday- Friday 8:00 a.m. EST - 5:00 p.m. EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Mayes can be reached on (571) 272 1234. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/BIJAY S SAHA/
Examiner, Art Unit 1793

BSS

June 6, 2010

/Melvin Curtis Mayes/
Supervisory Patent Examiner, Art Unit 1793